

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

LEWIS RAY

PLAINTIFF

v.

Civil No. 06-6028

CORRECTIONAL MEDICAL SERVICES,  
OUACHITA RIVER CORRECTIONAL UNIT,  
and DR. JONAK

DEFENDANTS

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Lewis Ray brings this pro se civil rights action under 42 U.S.C. § 1983, alleging that his constitutional rights were violated while he was detained in the Ouachita River Correctional Unit of the Arkansas Department of Correction. His case was initially filed in the United States District Court for the Eastern District of Arkansas. By order of that court, the case was transferred to this court on the basis of venue. (Doc. 2.) Upon receipt of the case file, this court entered an order (Doc. 3) directing plaintiff to return a properly completed in forma pauperis (IFP) application or pay the \$350.00 filing fee no later than July 21, 2006. The plaintiff was warned that his failure to comply with the court's order would result in the dismissal of this action.

To date, plaintiff has failed to comply with the court's order. Ray has not returned the completed and signed IFP application, paid the filing fee, or communicated with the court. The order to submit a completed IFP application was not returned to the court as undeliverable, and no later address for plaintiff appears in the record.

I therefore recommend that Ray's claims be dismissed on the grounds that he has failed to prosecute this action. *See* Fed. R. Civ. P. 41(b).

**Ray has ten days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely written objections may result in waiver of the right to appeal questions of fact. Ray is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 11th day of August 2006.

**/s/ Bobby E. Shepherd**

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HON. BOBBY E. SHEPHERD  
UNITED STATES MAGISTRATE JUDGE